

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THOMAS ROSENBURG, et al.,

Plaintiffs,

No. C 06-0430 PJH

v.

NOTICE

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant.

The court hereby notifies the parties that it is in receipt of a potential claimant's appeal from the class administrator's apparent rejection of the claimant's application. See attachment hereto. According to the potential claimant, Mr. Philip Evans, his claim form was late by only one day.

After inquiry by the court as to the current status of settlement administration, the court has determined that Mr. Evans' appeal, which he should have raised as an objection before the court at any point during settlement approval proceedings, has been filed too late. Not only is Mr. Evans' appeal untimely, but the final administration of settlement funds is sufficiently advanced that consideration of Mr. Evans' appeal at this point would likely prove unfair and/or prejudicial to the remaining members of the settlement class.

Accordingly, the court declines to take action on Mr. Evans' appeal, and submits this notice for the sole purpose of bringing counsel's attention to the recent filing.

IT IS SO ORDERED.

Dated: October 17, 2007



PHYLLIS J. HAMILTON
United States District Judge